

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	CASE NO. 1:24-CR-34
	:	
Plaintiff,	:	
	:	
v.	:	
	:	<u>PROTECTIVE ORDER</u>
	:	
MELISSA KELLEY,	:	
	:	
Defendant.	:	

Pursuant to Federal Rule of Criminal Procedure 16(d)(1), and for good cause shown, the Court hereby grants the motion of the United States of America for entry of a Protective Order prescribing the manner in which the defendant and her counsel must handle certain materials to be produced by the United States.

IT IS on this 23rd day of May 2024,

ORDERED,

The Government intends to produce discovery materials in this case that contain, among other things, private financial information about numerous individuals and entities, other private information, which may include social security numbers, addresses, dates of birth, as well as confidential tax returns and taxpayer information within the meaning of Title 26, United States Code, Section 6103(b). The discovery materials will also include information that is governed by Rule 6(e) of the Federal Rules of Criminal Procedure.

The discovery materials produced by the Government may be used by the defendant, her attorney, and members of the defense team solely in the defense of this case and for no other purpose and in connection with no other proceeding.

Such discovery materials and their contents, and any notes or other record of such materials or their contents, should not be disclosed either directly or indirectly to any person or entity other than the defendant and defense counsel, persons employed to assist in the defense, independent expert witnesses, investigators or expert advisors retained pursuant to a written retainer agreement in connection with this action, or such other persons as to whom the Court may authorize disclosure upon the defendant's motion.

The discovery material produced by the Government will not be copied or reproduced unless they are copied or reproduced for authorized persons to assist in the defense, and in that event, the copies should be treated in the same manner as the original material.

When providing the discovery materials to an authorized person, defense counsel must inform the authorized person that the materials are provided subject to the terms of this Protective Order and that the authorized person must comply with the terms of this Protective Order. Authorized persons shall sign the acknowledgment attached to this Order in the presence of defense counsel, indicating that they have received and reviewed the terms of this Order and understand that they are bound by it before being provided with, shown, or read the contents of any materials produced pursuant to terms of this Order. *See Appendix A.*

Defense counsel will inform the defendant of the provisions of this Protective Order, and direct him not to disclose or use any information contained in the Government's discovery in violation of this Protective Order. However, nothing contained in the Protective Order will preclude any party from applying to the Court for further relief or for modification of any provision thereof.

Identifying victim information disclosed to defense counsel during the course of proceedings in this action, including victim tax return records and dependent identifiers, shall remain in the custody of defense counsel and shall not be copied, reproduced, or disseminated, except to independent expert witnesses retained pursuant to a written retainer

agreement in connection with this case. At the conclusion of this matter to include the conclusion of any post-conviction remedy, such material shall either be returned to the Government or shredded and destroyed in a method approved by the parties or the Court. This matter will be concluded upon expiration of the period for direct appeal from any verdict in the above-captioned case, the period of direct appeal from any order dismissing any of the charges in the above-captioned case, or the granting of any motion made on behalf of the Government dismissing any charges in the above-captioned case, whichever date is latest.

Defense counsel will not attach any materials produced pursuant to this Order to any public filings with the Court or publicly disclose any such materials or their contents in any other manner, without prior notice to the Government. If defense counsel and the Government cannot agree on the manner in which the materials or their contents may be publicly disclosed, the parties shall seek resolution of such disagreements by the Court.

If any dispute should arise between the parties to this action as to whether any documents, materials, or other information are subject to the provisions of this Order, such documents, materials, and information shall be considered covered by this Order pending further direction by this Court.

The provisions of this Order shall not be construed as preventing the disclosure of any information in connection with any motion, hearing, or trial held in this action or to any district or magistrate judge of this Court for purposes of this action, provided that the request for such disclosure is made under seal so that reasonable efforts can be made to ensure that such disclosure does not violate the Protective Order.

SO ORDERED.

May 23, 2024
DATE


HONORABLE JEFFREY P. HOPKINS
UNITED STATES DISTRICT JUDGE

Appendix A

ACKNOWLEDGMENT

The undersigned hereby acknowledges that he or she has read the Protective Order entered in the United States District Court for the Southern District of Ohio in the case captioned *United States v. Melissa Kelley*, Criminal No. 1:24-cr-34, understands its terms, and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned agrees not to use or disclose any documents or information made available to him or her other than in strict compliance with the Order. The undersigned acknowledges that his or her duties under the Order shall survive the termination of this case and are permanently binding, and that failure to comply with the terms of the Order may result in the imposition of sanctions by the Court.

DATED: _____

SIGNED BY: _____
(type or print name)

WITNESSED BY: _____
(type or print name)
Counsel for (type or print name)